IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4847 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SARIKA EDUCATION TRUST

Versus

STATE OF GUJARAT

Appearance:

MR TR MISHRA for Petitioner

MR MA BUKHARI for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/06/2000

ORAL JUDGEMENT

1. The petitioner, a trust, applied to the respondent No.3 for grant of recognition for Standards 5th to 7th. Under the order dated 14th March, 1997, the respondent NO.3 granted recognition for 5th Std. only. Against this order, the petitioner filed an appeal before

the respondent No.2, which came to be rejected on 27th May, 1997. Hence, this special civil application.

2. It is contended by Shri T.R. Mishra, learned counsel for the petitioner that the petitioner-trust fulfills all the requisite criteria as applicable to a linguistic minority institution under Article 30 of the Constitution of India and both the authorities have committed serious illegality in not granting recognition for 6th and 7th Stds. It has next been contended that both the authorities have not given any reasons for not granting recognition for 6th and 7th Standards. In support of his contention, petitioner's learned counsel has read out the orders of both the authorities.

3. Learned counsel for the respondents submitted that the very fact that the respondent has granted recognition for 5th Std. and denied recognitions to 6th and 7th Std. goes to show that it is an order passed after application of mind by both the authorities. However, on being put by the court, he is unable to show that a reasoned order has been passed by the authorities.

4. As this petition deserves to be allowed on second contention raised by the learned counsel for the petitioner, I do not consider it to be necessary to go on and decide the first contention raised by the learned counsel for the petitioner.

5. When the petitioner has applied for grant of recognition for three standards, i.e. 5th, 6th and 7th Stds. and where this request has been partially granted, it is expected of the respondents to pass a reasoned order in support of their decision not to accept the prayer of the petitioner for grant of recognition for two other standards i.e. 6th and 7th standards. From the orders of the authorities below, it is clear that what the petitioner's counsel contend is correct. Reasons have not been given and only on this ground, this petition succeeds and the same is allowed and both the orders of the respondents No.2 and 3 are quashed and set aside and the matter is sent back to the respondent No.3 to decide the application of the petitioner afresh for grant of recognition of 6th and 7th Stds. after giving an opportunity of hearing to the petitioner. If the prayer of the petitioner of grant of recognition for two standards, i.e. 6th and 7th, is not acceptable, then a reasoned order be passed and copy of the same be sent to the petitioner by registered post A.D.. Liberty is granted to the petitioner for revival of this special civil application in case of difficulty. Rule is made

absolute accordingly with no order as to costs.

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zgs/-